

UNION PACIFIC RAILROAD
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230383

June 23, 2011

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JUN 27 2011

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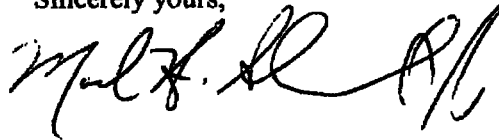
RE: Abandonment Exemption – Hartland Subdivision, from approximately M.P. 119.65 at Curtis, to the point of connection with the Albert Lea Subdivision, to the end of Union Pacific ownership at M.P. 107.0 near Hartland, a distance of 12.65 miles in Freeborn County, Minnesota; STB Docket No. AB-33 (Sub-No. 298X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from Freeborn County Minnesota dated June 17, 2011 seeking interim trail use and rail banking under the provisions of 16 U.S.C. §1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Hartland Subdivision, as defined above, a distance of 12.65 miles in Freeborn County, Minnesota.

The Union Pacific is willing to negotiate with Freeborn County Minnesota concerning the acquisition of the subject property for trail use and supports the County's request for the standard 180-day negotiation period. A copy of Freeborn County's request is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely yours,



Attachment

cc: Freeborn County Minnesota

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County Administration - Government Center
411 So. Broadway, P.O. Box 1147, Albert Lea, Minnesota 56007-1147
June 17, 2011

507/377-5118
Fax 507/377-5109

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 East Street S.W.
Washington, DC 20423-0001

RE: Union Pacific Railroad Abandonment in Freeborn County, MN STB Docket No. AB-33 (Sub-No. 298X)

Dear Acting Secretary Quinlan:

This request is filed on behalf the County of Freeborn in Minnesota Interested in providing recreation trail opportunities and service, hereinafter referred to as "proponents".

While not taking a position on the merits of this abandonment, the proponents request issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between approximately Milepost 119.5 at Curtis and Milepost 107 near Hartland, Minnesota.

A. Request for Public Use Condition

Proponent asks the Surface Transportation Safety Board to find that this property is suitable for other public use, specifically trail use and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justifications for this condition is:
 - a. The rail corridor in question crosses through both urban and rural settings offering access to a city park, alternative transportation options and scenic settings. The corridor also intersects with multiple trail systems offering a unique trail opportunity in this region of Minnesota.

The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs that amount of time to assemble or review title information, land assessment information and begin negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use condition sought above, proponent also makes the following request.

Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and railbanking under section 8(d) of the National Trails Systems Act, 16 U.S.C § 1247(d), and 49 CFR § 1152.29, the parties are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Union Pacific.

The property, known as the Hartland Subdivision extends from approximately Milepost 119.65 at Curtis, to the point of connection with the Albert Lea Subdivision, to the end of Union Pacific ownership at Milepost 107.0 near Hartland for a total distance of approximately 12.65 in Freeborn County, Minnesota. A map published by Union Pacific depicting the right-of-way is attached.

The parties to this letter acknowledge that use of the right-of-way is subject to the users' continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By our signatures below, we certify service upon Union Pacific, Mack H. Shumate Jr. Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606 by U.S. mail, postage pre-paid, first class, this 17th day of June, 2011



Dan Belshan, Chairman

June 17, 2011

Date



John W. Kluever, County Administrator

June 17, 2011

Date

